



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi
MEETING DATE: May 18, 2005
PREPARED BY: Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

(A) Ashley Rose	DOL: February 18, 2005
(B) Britney Rose	DOL: February 18, 2005
(C) Pete Rose	DOL: February 18, 2005
(D) Pete Rose, Jr.	DOL: February 18, 2005

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, The City's contract administrator, DB Claims and Human Resources Staff, recommend the City deny the subject claim(s).

FISCAL IMPACT: N/A

FUNDING AVAILABLE: None Required


Kirk Evans, Risk Manager

Attachments

cc: City Attorney
DB Claims

APPROVED: 
Blair King, City Manager

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY HANSEN
JOANNE MOUNCE
BOB JOHNSON

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

BLAIR KING

City Manager

SUSAN J. BLACKSTON

City Clerk

STEPHEN SCHWABAUER

City Attorney

Notice of Claim Rejection

May 19, 2005

Law Office of Mark E. Merin

Attn: Mark E. Merin

RE: Claim against the City of Lodi

Claimant: Ashley Rose
Date of Loss: February 18, 2005
Our Claim Number: 97805

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 27, 2005 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.7 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Susan Blackston
City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk

FILE COPY

CITY COUNCIL

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City Attorney

Notice of Claim Rejection

May 19, 2005

Law Office of Mark E. Merin
[REDACTED]

Attn: Mark E. Merin

RE: Claim against the City of Lodi

Claimant: Britney Rose
Date of Loss: February 18, 2005
Our Claim Number: 97905

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 27, 2005 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Susan Blackston
City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk

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City Attorney

Notice of Claim Rejection
May 19, 2005

Law Office of Mark E. Merin
[REDACTED]

Attn: Mark E. Merin

RE: Claim against the City of Lodi

Claimant: Pete Rose
Date of Loss: February 18, 2005
Our Claim Number: 98005

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 28, 2005 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Susan Blackston
City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk

FILE COPY

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City Attorney

Notice of Claim Rejection
May 19, 2005

Law Office of Mark E. Merin
[REDACTED]

Attn: Mark E. Merin

RE: Claim against the City of Lodi
Claimant: Pete Rose, Jr.
Date of Loss: February 18, 2005
Our Claim Number: 98105

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on April 28, 2005 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Susan Blackston
City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk